

ENTERED

April 09, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 7:20-cv-00009
	§	
5.840 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN STARR COUNTY,	§	
TEXAS; and ROMAN CATHOLIC	§	
DIOCESE OF BROWNSVILLE, TEXAS,	§	
et al.,	§	
	§	
Defendants.	§	

AMENDED ORDER

The Court considers its earlier scheduling order.¹ The Court now issues this amended order which supersedes its earlier scheduling order² in order to more fully address the parties' arguments concerning discovery in this case.³

In the parties' "Joint Discovery/Case Management Plan Under F.R.C.P. 26(f),"⁴ Plaintiff United States objects to the use of interrogatories and depositions on the grounds that they are unnecessary and disproportionate to the needs of the case.⁵ Defendants Nayda Alvarez, Leonel Alvarez, and Yvette Gaytán disagree and seek discovery.⁶

Based on the record and the Court's familiarity with similar land condemnation cases, the Court finds that discovery is unnecessary at this time. To the extent Defendants Nayda Alvarez, Leonel Alvarez, and Yvette Gaytán seek to depose Loren Flossman, the "Acquisition Program

¹ Dkt. No. 30.

² *Id.*

³ *See* Dkt. No. 25 at 3–6.

⁴ Dkt. No. 25.

⁵ *Id.* at 3–6.

⁶ *Id.*

Manager for the property in this case,”⁷ or any other government officials in order to argue that the United States’ just compensation estimate is nominal or inadequate, the Court agrees with the assertion that the amount is nominal and finds no need to allow discovery on the matter. Should any parties wish to argue that a specific form of discovery is necessary in this case, the request should come in the form of a motion to the Court.

In light of the information provided in the joint discovery/case management plan⁸ and in lieu of holding an initial pretrial and scheduling conference in light of the COVID-19 pandemic,⁹ the Court issues the following case-specific scheduling order which controls disposition of this action pending further order of the Court. The following actions shall be completed by the dates indicated:

EVENTS	DEADLINES
Deadline to file all documentation adding, substituting, disclaiming, or dismissing interested parties. <u>Note:</u> If necessary, the United States may also file amended condemnation documents or an amended Schedule GG.	May 14, 2020
Deadline to file briefs on the issue of just compensation and notify the Court as to whether the parties (1) consent to the Court deciding the issue of just compensation on the briefings; or (2) request an evidentiary hearing on the issue of just compensation.	June 12, 2020
Deadline to file a joint status report detailing the case’s status and intended future action. Alternatively, deadline to file any documentation establishing or stipulating to just compensation and/or dismissal documentation.	July 3, 2020
Status conference.	July 14, 2020 at 9:00 a.m.

⁷ *Id.* at 6.


⁸ Dkt. No. 25.

⁹ *See* Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020) (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak); Tex. Exec. Order No. GA-14 (eff. Apr. 2, 2020) (Relating to statewide continuity of essential services and activities during the COVID-19 disaster).

The initial pretrial and scheduling conference previously scheduled for April 14, 2020 is **CANCELLED**.¹⁰ In light of the Court's cancellation of the conference, the "Joint Unopposed Motion to Appear Telephonically"¹¹ is **DENIED AS MOOT**. This Scheduling Order is binding on all parties and shall not be modified except by leave of Court upon showing of good cause. All other deadlines not specifically set out in this Scheduling Order will be governed by the Federal Rules of Civil Procedure and this Court's Local Rules.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 9th day of April 2020.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

¹⁰ Dkt. No. 5.

¹¹ Dkt. No. 28.